

REMARKS

Claims 1-11, 14-15 and 17-18 have been previously canceled. Claims 12 and 28-30 are currently amended and no claim has been added or canceled or added by way of this response. Thus, claims 12-13, 16 and 19-30 are currently pending and presented for examination. Applicants respectfully request reconsideration and allowance of the pending claims in view of the foregoing amendments and the following remarks.

Response to Objections and Rejections under Section 112:

The claim objections and rejections under 35 USC 112 were previously addressed in the Applicant's response and amendment under 37 CFR 1.116 which has been entered. Accordingly, the objections and Section 112 rejections are believed to have been properly addressed.

Response to Rejections Under Section 103:

Claims 12-13, 16, 19 and 22-30 stand rejected under 35 U.S.C § 103(a) as being obvious over Mattejat et al. in view of Nolscher and Enami and claims 20-21 are rejected under 35 U.S.C § 103(a) as being obvious over Mattejat et al. in view of Nolscher and Enami and further in view of Yasuo et al..

Claims 12 and 30:

Applicants claims 12 and 30 each recite in part:

... the first fluid chamber for the coolant has two subchambers each subchamber facing one of the two plates where the subchambers are arranged adjacent and non-planar to each other and separated by a central plane comprising an **overflow section configured to direct the coolant flow alternately through the two non-planar subchambers.**

Claim 28:

Applicants claim 28 recites in part:

... wherein the fluid chamber for the coolant has two subchambers each facing a plate and separated by an **overflow section** wherein **coolant can only flow through said fluid chamber alternately through the two subchambers.**

Claim 29:

Applicants claim 29 recites in part:

... the last mentioned flow chamber having subchambers each facing a plate and **comprising an overflow section** configured to provide a flow path solely on an alternating basis

In the final Office Action dated January 27, 2009, the Examiner contended that Mattejat et al. teaches "... the coolant can only flow alternately through the two subchambers," citing col. 7, lines 49-66 and figures 4-6. Applicants strongly disagree with the Examiners contention and respectfully submit that the cited passage is completely silent as to coolant flow path and in fact merely discusses arrangement of the adjacent layers to prevent relative motion between the layers.

Furthermore, the coolant flow of Mattejat et al. is in the direction of the arrows 86 of figure 4 and also in the plane of the page for figures 4-6. The coolant flow 86 moves from right to left in a planar manner defined by the plates 40, 42 (see col. 6, lines 62-66). The coolant flow must flow planar around the protuberances but not alternating from one chamber to the next or in a non-planar manner. Furthermore, Mattejat et al. does not teach "subchambers ... arranged adjacent **and non-planar** to each other and separated by ... an **overflow section configured to direct the coolant flow alternately through the two non-planar subchambers,**" as recited in claims 12 and 30 or "an **overflow section**" as recited in claims 28-29.

Furthermore, Nolscher and Enami both teach straight cooling channels without protuberances which do not have sub chambers let alone an overflow section, therefore they can not provide essential elements of Applicants' claimed invention.

Applicants respectfully submit that the combination of Mattejat et al. in view of Nolscher and Enami does not teach or suggest Applicants claimed invention as discussed above and therefore fails to establish a prima facie case of obviousness with respect to claims 12 and 28-30. Furthermore, Applicants respectfully submit that claims 13, 16, 19 and 22-27 are patentable at least based on their dependence from claim 12 as well as on their own merits and respectfully request the Examiner to withdraw the Section 103 rejections.

Conclusion

For the foregoing reasons, it is respectfully submitted that the rejections set forth in the outstanding Office Action are inapplicable to the present claims. Accordingly, Applicants respectfully request that the Examiner reconsider the rejections and timely pass the application to allowance. All correspondence should continue to be directed to our below-listed address. Please grant any extensions of time required to enter this paper. The commissioner is hereby authorized to charge any appropriate fees due in connection with this paper or credit any overpayments to Deposit Account No. 19-2179.

Respectfully submitted,

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